(iv) Import of technology involving lump-sum payment, royalty payment and foreign collaboration are allowed depending upon merits in the field of drugs.

(v) Protection is also provided to indigenous producers through the tarrif mechanism. Most of the bulk drugs and intermediates are levied custom duty of 100 pe cent *ad-valorem*.

The import of bulk drugs and intermediates is regulated under the provisions of Import and Export Policy. Production of a drug by a company depends on various factors such as demand and supply, economies of production, drug obsolescence and corporate plan of the company.

Supreme Court judgement on unintended benefits

1515. SHRI BHUBANESWAR KALITA:
SHRI RAOOF VALIULLAH:

Will the Minister of INDUSTRY be pleased to state:

(a) whether the Supreme Court has given a judgement for the recovery of unintended benefits made at the cost of consumer to be deposited under Equalisation Fund Account;

(b) whether it is a fact that the Court has observed overcharging and high profiteering of drug companies;

(c) if so, whether his Ministry has decided to abolish the account for the recovery of unintended benefit; and

(d) if so, what are the reasons for discontinuing and how the Ministry will be safeguarding the consumer's interest?

THE MINISTER OF STATE IN THE DEPARTMENT OF CHEMICALS AND PETRO-CHEMICALS IN THE MINISTRY OF INDUSTRY (SHRI R. K. JAICHANDRA SINGH): (a) and (b) Yes, Sir.

(c) and (d) As the operation of DPEA was giving rise to intractable administrative problems with anticipated accruals to the DPEA being thwarted by disputes and claims on the DPEA put forth promptly, it has been decided to discontinue the system of retention and pooled pricing. A provision would be made in the new Drug Price Control Order to ensure that amounts which have already accrued to the DPEA and those which are likely to accrue as a result of action in the past, are protected and used for the purpose stipulated in the existing Drug Prices Control Order.

Refund of Unintended Benefit by drug companies

1516. SHRI BHUBANESWAR KALITA:
SHRI RAOOF VALIULLAH:

Will the Minister of INDUSTRY be pleased to state:

(a) whether it is a fact that according to Supreme Court's ruling 26 drug companies are liable to refund the over charging from the consumers;

(b) names of the drug companies which are liable to refund the unintended benefit made by them;

(c) whether it is a fact that the amount to be refunded runs into many crores;

(d) whether it is also a fact that the amount over-charged from April, 1981 to April, 1987 is to be refunded by each of the drug company;

(e) if so, whether the drug companies will have to pay interest on this amount; and

(f) if so, at what rate?

THE MINISTER OF STATE IN THE DEPARTMENT OF CHEMICALS AND PETRO-CHEMICALS IN THE MINISTRY OF INDUSTRY (SHRI R. K. JAICHANDRA SINGH): (a) to (f) Supreme Court in its judgement on 10th April, 1987 allowed the appeal of the Union of India and dismissed the writ petition of M|s. Cyanamid India Ltd. filed in the Delhi High Court. Court has